

INQUIRY

3

INTO THE

STATE OF SLAVERY

IN THE

EARLY AND MIDDLE AGES

OF THE

CHRISTIAN ERA.

BY

B. B. EDWARDS, ESQ.

EDINBURGH:

THOMAS CLARK, 38, GEORGE STREET.

MDCCCXXXVI.

James Burnet, Printer, 23, East Thistle Street.

# INQUIRY

## INTO THE

### STATE OF SLAVERY, &c.\*

---

VARIOUS definitions are given by the Roman and other writers of the word *servus*. Scaliger derives it from *servando*, because the slave preserves or guards the property of his master. Slaves are denominated *servi*, says the code of Justinian, from the verb *servare*, to preserve; for it is the practice of our generals to sell their captives, being accustomed to preserve and not to destroy them. Slaves are also called *Mancipia*, a *manu capere*, in that they are taken by the hand of the enemy. Just. Lib. i. Tit. 3. The origin of the word *servus*, says Augustin, de Civit. Lib. xix. ch. 15, is understood to be derived from the fact that prisoners, who, by the laws of war, might have been put to death, were preserved by the victors, and made slaves. *Servus est nomen*, says Seneca, Ep. 32, *ex injuria natum*.† *Servi*, *servitia*, and *mancipia*, are frequently used as convertible terms. The term for a slave born and bred in the family was *verna*.

In respect to the comparative number of the slaves and the free citizens of Rome, we have not sufficient data on which to found a correct judgment. We may agree with

\* Those who wish to see this interesting subject treated at large, and from the earliest period, are referred to Mr. Blair's Inquiry into the State of Slavery among the Romans, published at Edinburgh in 1833. The Quarterly Review, speaking of Mr. Blair's work, says, "This valuable little Treatise belongs to a class of no common occurrence in our recent literature;—it is an extremely sensible and scholar-like inquiry into a subject of great interest in *classical antiquity*, or rather in the general history of mankind."

† Aristotle's definition of a slave was applicable to Italy, Polit. I. 6. *κτῆμα καὶ ὄργανον τοῦ δισπύτου ἡμψυχον*.

Niebuhr in doubting the accuracy of the older *censuses*, which were taken at Rome. The Romans, in the early periods of their history, rarely or ever acted as menial servants in the city. Niebuhr thinks that mechanical occupations were not lawful for plebeians. Yet in the country they willingly performed agricultural labour. Lipsius admits the probability of there being as many slaves as freemen, or rather more, within Rome, in its most populous times. After the influx of wealth, which followed the foreign conquests, the number of slaves must have been greatly enlarged. Polybius, Hist. ch. ii. estimates the forces which the Romans and their allies could bring into the field, between the first and second Punic wars, at 770,000 men. This enumeration, however, implying a total free class of 3,080,000, and an equal amount of slave population, is much larger than seems consistent with the state of Italy at that time. The number of citizens returned to Augustus at the 72d lustrum, A. U. C. 745, as appears from the monument of Ancyra, was 4,163,000. At the 73d lustrum, the number was over 4,000,000. In the 74th lustrum, in the reign of Claudius, A. D. 48, the citizens amounted to 6,944,000, of whom, probably, but a small proportion consisted of persons out of Italy. If we allow two slaves to each Roman, an average below that of some Grecian cities, we should not in that case take into the account those slaves who were the property of the various orders of freemen, or those who belonged to other slaves. Rich citizens were very extensive owners of slaves, kept both for luxury and profit, as domestics or artizans in town, and as labourers on the vast estates in the provinces.\* Some rich individuals are said to have possessed 10,000, and even 20,000, of their fellow-creatures. Seneca says, De Tran. Animi. ch. viii. that Demetrius, the freedman of Pompey, was richer than his master. “Numerus illi

\* Pignorius has enumerated 48 classes of *rustic slaves*, 40 of *rustic or urban*, 60 of *urban*, 66 of *personal attendants*, 15 of *upper servants*, 13 of *nursery slaves*, 130 of *slaves of luxury*, and 5 of *military slaves*—in all three hundred and twenty-five classes.

The reader will find a complete list of these various classes of slaves given in detail in “BLAIR’S Inquiry,” cited above.

quotidie servorum, velut imperatori exercitus referebatur." The slaves of Crassus formed a large part of his fortune. His architects and masons alone exceeded 500. Scaurus possessed above 4000 domestic, and as many rural slaves. In the reign of Augustus, a freedman, who had sustained great losses during the civil wars, left 4116 slaves, besides other property. On one occasion, the family of Pedanius Secundus, prefect of Rome under Nero, was found to consist of 400 slaves. Tac. Ann. 14. 43, "quem numerus servorum tuebitur, cum quadringenti," &c. When the wife of Apuleius gave up the lesser part of her estate to her son, 400 slaves formed one of the items surrendered. Slaves always composed a great part of the moveable property of individuals, and formed a chief article of ladies' dowries. A law passed by Augustus against the excessive manumission of slaves by testament, forbidding any one to bequeath liberty to more than one-fifth of all his slaves, contains the following words: "Plures autem quam centum ex majori numero servorum manumitti non licit."\* We may hence infer that 500 was not an extraordinary number of slaves to be held by one owner. It was fashionable to go abroad attended by a large number of slaves. Horace, L. i. Sat. 3. v. 11, says, "Habebat sæpe ducentes, sæpe decem servos." Augustus prohibited exiles from carrying with them more than 20 slaves.† Besides the domestic and agricultural slaves were the gladiators, who were chiefly slaves, and who were extremely numerous at different periods. We may have some idea of the frequency and ferociousness with which these were exhibited from a restriction imposed by Augustus, who forbade magistrates to give shows of gladiators above twice in one year, or of more than 60 pairs at one time. Julius Caesar exhibited at once 320 pairs. Trajan exhibited them for 123 days, in the course of which 10,000 gladiators fought. The State and corporate bodies possessed considerable numbers. For example, 600 were employed in guarding against fires in Rome.‡ Chrysostom says.

\* Hugo, Jus Civile Antejustinianum, Vol. I. p. 157.

† See Plin. Nat. Hist. 33. 47, 52; also 34. 6, and 35. 58.

‡ Publicos servos.—*Livy* 9. 29.

that under Theodosius the Great and Arcadius, some persons had 2000 or 3000 slaves. Synesius complains that every family of tolerable means kept Scythian slaves of luxury; and Ammianus Marcellinus informs us that luxurious ladies and great men used to have 400 or 500 servile attendants. From the time of Augustus to Justinian, we may allow three slaves to one freeman;—we shall thus have a free population in Italy of 6,944,000, and of slaves 20,832,000—total, 27,776,000. “After weighing every circumstance which could influence the balance,” says Gibbon, “it seems probable that there existed in the time of Claudius about twice as many provincials as there were citizens, of either sex and of every age; and that the slaves were at least equal in number to the free inhabitants of the Roman world. The total amount of this imperfect calculation would rise to about 120,000,000 of persons.”\*

The different methods in which men became slaves were by war, commerce, the operation of law in certain cases, and by their birth.

1. *Slaves acquired by war.*—In general, prisoners of war were sold immediately, or as soon as possible, after their capture. If a subsequent treaty provided for their release, it would appear that a special law was passed, ordering the buyers of such slaves to give them up, on receiving from the treasury repayment of the original purchase money. Livy, 42. 8, says, in relation to the Ligurians, 10,000 of whom had surrendered themselves as prisoners, “At ille [consul] arma omnibus ademit oppidum diruit, ipsos bonaque eorum vendidit.” As the senate were at the time deliberating about the treatment of them, “res visa atrox;” a decree was issued, annulling the previous sales, and compelling the respective purchasers to set the Ligurians free, but with restitution by the public of the prices which had been paid. Prisoners belonging to a revolted nation were, without exception in favour of voluntary surrender, sold into ser-

\* The present population of Italy is between 16 and 17,000,000. See the Essay of Hume on the Populousness of Ancient Nations, —Gibbon, Hist. Dec. and Fall, ch. ii.—Blair’s Inquiry into the State of Roman Slavery, ch. i.

viude; and sometimes, as a more severe punishment or greater precaution, it was stipulated at their sale, that they should be carried to distant places, and should not be manumitted within twenty or thirty years.\* After the fall of the Samnites at Aquilonia, 2,033,000 pieces of brass were realized by the sale of prisoners, who amounted to about 36,000.† Lucretius brought from the Volscian war 1250 captives; and by the capture of one inconsiderable town, no less than 4000 slaves were obtained. On the descent of the Romans upon Africa, in the first Punic war, 20,000 prisoners were taken. Gelon, prætor of Syracuse, having routed a Carthaginian army, took such a number of captives, that he gave 500 of them to each of the several citizens of Agrigentum. On the great victory of Marius and Catulus over the Cimbri, 60,000 were captured. When Pindenissus was taken by Cicero, the inhabitants were sold for more than £100,000. Augustus having overcome the Salassi, sold as slaves 36,000, of whom 8000 were capable of bearing arms. Cæsar in his Gallic wars, according to the moderate estimate of Velleius Paterculus, took more than 400,000 prisoners. The rule which forbade prisoners taken in civil wars to be dealt with as slaves, was sometimes disregarded. On the taking of Cremona by the forces of Vitellius, his general, Antonius, ordered that none of the captives should be detained: and the soldiers could find no purchasers for them.‡ A slave carried off from the Roman territories by the enemy, fell again under his master's authority, if he came back or was retaken. Roman citizens, who had been made prisoners, recovered their former rank, with all the rights and privileges belonging to it, upon their escape or recapture from the enemy's hands.

\* Ne in vicina regione servirent, neve intra tricesimum annum liberarentur.—*Sueton. Octav. 21.*

† Id æs redactum ex captivis dicebatur.—*Livy, 10. 46.*

‡ The language of Tacit. Lib. Hist. 3. 41, is—Inritamque prædam militibus effecerat consensus Italiæ. emptionem talium mancipiorum adspersantis. Occidi coepere, quod ubi enotuit, a propinquis adfribusque occulte redemptebantur.

2. *Slaves acquired by commerce.*—The slave-trade in Africa is as old as history reaches back. Among the ruling nations of the North coast—the Egyptians, Cyrenians, and Carthaginians, slavery was not only established, but they imported whole armies of slaves, partly for home use, and partly, at least by the Carthaginians, to be shipped for foreign markets. They were chiefly drawn from the interior, where kidnapping was just as much carried on then as it is now. Black male and female slaves were even an article of luxury, not only among the above-mentioned nations, but in Greece and Italy. The Troglodyte Ethiopians seem to have been a wild negro race, dwelling in caves in the neighbouring mountains, who were kidnapped by the Garamantes to be sold for slaves.\* The slave-trade in Africa was directed mainly to females, who, in the Balearian Islands, were sold for three times as much as the men.† For the building of public works at Rome, vast numbers of slaves were procured. The piers, porticoes, aqueducts, and roads, whose magnificent ruins are now an object of admiration, were constructed by the sweat and blood of slaves. In raising such a structure as the mausoleum of Adrian, thousands of wretched men, torn from their own firesides, toiled unto death. The island Delos became an extensive mart for slaves. In that opulent emporium, 10,000 could be bought and sold in a single day. Predatory excursions were made into Cilicia, Pamphylia, and Syria, and great numbers were carried off to the market places of Sidon or Delos. For a long period great numbers of slaves (*maximus mancipiorum fuit proventus*) were drawn from the interior of Asia Minor, particularly from Phrygia

\* Heeren's Hist. Researches, Vol. I. Oxford edit. pp. 181, 223, 239. Cum obsidibus Carthaginiensium, ut principum liberis, magna vis servorum erat. Angebant eorum numerum, ut ab recenti Africa bello, et ab ipsis Sefinis captiva aliquot nationis ejus ex præda emptæ mancipia.—*Livy*, 32. 26.

†

Tibi pocula cursor

Gastulus dabit aut nigri manus ossea Mauri

Et cui per median nolis occurrere noctem,

Clivose veheris dum per monumenta Latina.—*Juv.* 5. 51.

and Cappadocia. *Slave* and *Phrygian* became almost convertible terms. So great a multitude were carried into slavery that but few towns were planted,—the country was rather a pasturage for flocks. There were 6000 slaves which belonged to the temple of a goddess in Cappadocia. Hence the words of Horace—*Mancipiis locuples, eget æris Cappadocum rex.*\* At an early period, the emporia for slaves, from the extensive Scythian regions, were Panticapæum, Dioscurias, and Phanagoria, all on the Euxine or Black Sea. Slaves appear to have reached the market of Rome, under the Cæsars, in separate bands, composed of natives of their several countries. The Gætæ probably came from a country a little to the east of Pontus. The Davi were probably an oriental race. Alexandria was a considerable place for the sale of slaves of a particular kind. Slaves possessing certain accomplishments were procured from Cadiz.† Corsica, Sardinia, and Britain were the birth place of slaves. The profits of dealers, who bought slaves, that were captured in distant wars, were often enormous. In the camp of Lucullus in Pontus, a man might be purchased for three shillings, while the lowest price for which the same slave could be had, at Rome, was, perhaps, nearly £15.‡ In most countries, it was common for parents to sell their children into slavery. In trafficking with comparatively barbarous nations, dealers procured slaves by barter, at a very cheap rate. Salt, for example, was anciently much taken by the Thracians in exchange for human beings. Man-stealing was, at all times, a very prevalent crime among the ancients. Paul in denouncing man-stealers, 1 Tim. i. 10, as among the worst of sinners, impresses us with the belief, that the offence was very frequent. Even Romans were often carried off into illegal bondage, especially in troublous times, when individuals were permitted to keep private jails and work-

\* See Heyne's *Opuscula Academica*, Vol. IV. p. 137, Gœttingen, 1796.

† *Forsitan expectes, ut Gaditana canoro, etc.* Juv. Sat. II. v. 162.

‡ Plutarch vit. Lucullus.

houses, which served both for detention and concealment.\* In calamitous times, the sale of children by their indigent parents was of frequent occurrence. Constantine allowed a new-born infant to be sold under the pressure of extreme want. This sale, in any need, was legalized by Theodosius the Great.

3. *Free-born Romans might be reduced to slavery by the operation of law.* Criminals doomed to certain ignominious punishments were, by effect of their sentence, deprived of citizenship, and sunk into a state of servitude. They were then termed *servi poenae*, and during the commonwealth, were the property of the public. A pardon or remission of the penalty, left the convict still a slave, unless he was restored to his former rank by a special act of grace. But this condition of penal slavery was entirely abolished by Justinian. Of old, those that did not give in their names for enrolment in the militia, were beaten, and sold into bondage beyond the Tiber. Those who did not make proper returns, to the censor, were liable to be visited with the same punishment. An indigent thief was adjudged as a slave to the injured party. By the Claudian decree, re-enacted under Vespasian, it was ordered that a free-born woman, having an intrigue with another person's slave, should herself be made the slave of her paramour's master. Various other laws of this sort were passed under the emperors. In early times, the exposure of children was common.† Both the Senecas relate that the custom of exposing feeble and deformed children was common.‡ Healthful infants were also sometimes left to perish. Not only prostitutes, but the wives of the most noble Romans, were frequently guilty of destroying their children before their

\* Repurgandorum tota Italia ergastulorum, quorum domini in invidiam venerant etc.—*Suet. Vit. Tib.* 8.

† Portentosos foetus extinguimus, liberos quoque, si debiles monstrosique editi sunt mergimus,—*Sen. de Ira. L. I. ch.* 15.

‡ Ex nepte Julia, post damnationem, editum infantem agnoscere aliquo vetuit,—*Suet. Vit. Octav.* 65. After the death of Germanicus, as an indication of the intensest grief, partus conjugum expositi.—*Suet. Cal.* 5.

birth.\* It came at length to be established as a rule, that those fathers or masters who exposed their own, or their slaves' offspring, should lose their respective rights, and that the children should become the slaves of any one who chose to take them up and support them. Justinian at last ordered that all exposed children should be free. Vagrant slaves, *mancipia vaga*, were dealt with as stray goods. Freedmen, if guilty of ingratitude towards their former masters, might be again reduced to slavery, though, according to Tacit. Ann. 13, 26, 27, the practice was discontinued in the reign of Adrian.

4. *Slavery by birth.* The following is the declaration of the civil law. "Slaves are either born such, or become so. They are born such when they are the slaves of bond-women; and they become slaves, either by the law of nations, that is by captivity; or by the civil law, which happens, when a free person, above the age of twenty, suffers himself to be sold, for the sake of sharing the price paid for him." Slavery by birth thus depended on the condition of the mother alone, and her master became owner of her offspring, born while she was his property. In order to determine the question of a child's freedom or servitude, the whole period of gestation was taken into view, by the Roman jurists; and if at any time, between conception and birth, the mother had been for one instant free, the law, by a humane fiction, supposed the birth to have taken place then, and held the infant to be free-born.† For fixing the ownership of a child, the date of the birth was alone regarded; and the father of a natural child, by his bond-woman, was the master of his offspring, as much as of any other of his slaves.

We will now proceed to an investigation of the condi-

\* *Tantum artes hujus, tantum medicamina possunt, Quæ steriles facit atque homines in ventre necandos conducit.*—*Juv. Sat.* 6. v. 595. See also Sen. Consol. ad Helviam. 16, who speaks of the custom as not uncommon. Suet. Vit. Dom. 22. See the *Opus. Academ. of Tzschirner.* p. 72. Lip. 1829.

† *Quia non debet calamitas matris ei nocere, qui in ventre est.* Lib. i. Tit. 4. De Ingen.

tion of the Roman slaves, first as it was in law, and secondly as it was in fact.

Slavery is defined in the Codex Just. as that by which one man is made subject to another, according to the law of nations, though *contra naturam*, contrary to natural right. "Manumission took its rise from the law of nations, for all men by the law of nature are born in freedom; nor was manumission heard of, while servitude was unknown." "All slaves are in the power of their masters, which power is derived from the law of nations; for it is equally observable among all nations, that masters have had the power of life and death over their slaves; and that whatsoever is acquired by the slave, is acquired for the master." "Servile relations are an impediment to matrimony, as when a father and daughter, or a brother and sister, are manumitted." "The manumission does not change his state, because he had, before manumission, no state or civil condition." (Caput.) "Whatever our slaves have at any time acquired, whether by delivery, stipulation, donation, bequest, or any other means, the same is reputed to be acquired by ourselves, for he who is a slave can have no property. And if a slave is instituted an heir, he cannot otherwise take upon himself the inheritance, than at the command of his master. Masters acquire by their slaves not only the property of things, but also the possession." "Those persons are allowed to be good witnesses, who are themselves legally capable of taking by testament; but yet no woman, slave, interdicted prodigal, no person under puberty, &c. can be admitted a witness to a testament." "An injury is never understood to be done to the slave; but it is reputed to be done to the master, through the person of his slave. If a man should only give ill language to a slave, or strike him with his fist, the master can bring no action on that account; if a stranger should beat the slave of another in a cruel manner, it is actionable." "Inter servos et liberos matrimonium contrahi non potest; contubernium potest." "A fugitive slave, who is retaken, cannot be manumitted in ten years contrary to the will of his former master." Under the

alarm of great public danger, and during civil wars, slaves were occasionally taken into the ranks of the army, but they were not enlisted before being emancipated.\*

The system of Roman polytheism was, at all times, exceedingly tolerant. During the empire, the introduction of foreign divinities and rites became fashionable. The servile classes followed any religion which they pleased. Rustic masters and their slaves sometimes united in offering up sacrifices to the gods. Slaves were permitted to make offerings to Venus. They were not specially excluded in later times from the great religious solemnities, except the Magalensian plays in honour of Cybele. Public slaves were employed about temples. Female slaves were suffered to participate in some of the mysteries of the Bona Dea. Hercules was the tutelar divinity of slaves, and Juno Feronia presided over their manumission. Public holidays, in all amounting to about thirty in a year, during the existence of paganism, were observed by slaves as well as freemen, with partial cessation from labour. The customary rights of burial were not denied to slaves. Monuments were often erected to their memory, as is proved incontestibly by the numerous inscriptions, preserved in Gruter and elsewhere. Slaves were, at all times, permitted to avail themselves of the temporary protection of sanctuaries. These were the temples and altars of the gods, afterwards the palace and images of the emperors, and still later Christian churches and shrines. It was lawful for any person to be the proprietor of slaves; even a slave might hold others of his own class, and act as their master to all intents; but still, those slaves were, as fully as the rest of his *peculium*, subject to the superior rights of his free lord.

The customary allowance of food for each slave was,

\* Octo millia juvenum validiorum ex servitiis, prius seiscitantes singulos, vellente militare, empta publice armaverunt. Liv. 22. 57. Ex hoc edicto dati nautæ, armati instructique ab dominis, etc. Liv. 24, 11, 17. Servi quibus arma darentur, ita ut pretium pro iis bello perfecto dominis solveretur, emebantur.—Liv. 34. 6.

probably, four Roman bushels (*modius*, one peck English) of manufactured corn a month—monthly supplies being furnished to the upper slaves in the country, and daily rations to those in the city. Gladiators were proverbially well fed, (*paratos cibos, ut gladiatoriam saginam*, etc. Tac. Hist. 2. 88.) Salt and oil were commonly allowed, and occasionally vinegar, and salt fish, olives, &c. They had daily what was about an English pint and a half of wine. *Posca*, a mixture of vinegar and water, was given to slaves as well as to soldiers. Slaves near town procured for themselves other necessities and even luxuries.

Male slaves were not permitted by law to wear the *toga*, gown—*bullæ*, ball—or the gold ring, which were the badges of citizenship; nor were female slaves suffered to assume the *stola*, the robe of free and modest matrons. The cap, *pileus*, as an emblem of liberty, was probably a forbidden piece of dress. (*Servi ad pileum vocati*. Liv. 34. 32.) In most other respects they were attired as their masters pleased, till the reign of Alexander Severus, who appointed a certain garb for the servile classes. It had been proposed at a much earlier period to clothe slaves in a peculiar manner, but the project was abandoned from dread of shewing to the slaves the *superiority of their numbers*.\*

The labourers on a farm were shut up at night in a building called a work-house, *ergastulum*, but which rather resembled a prison. Each slave had a separate cell.† Some masters allowed well-disposed slaves to be better lodged than others.‡ Suetonius informs us that it had become so common to expose sick slaves on the isle of Esculapius in the Tiber, that Claudius enacted a law to

\* *Quantum periculum immineret, si servi nostri numerare nos cœpissent.*—*Sen. de Clem.* 1. 24. *Galliae purpuræ tingendæ causa ad servitorum vestes.*—*Plin. Nat. Hist.* 16. 31.

† *Numerus illi quotidie servorum, velut imperatori exercitus, referebatur, cui jamdudum divitiæ esse debuerant duo vicarii et cella laxior.*—*Sen. de Tranquil. An.* 8. 2.

‡ *Reliquia pars lateris hujus servorum libertorumque usibus destinetur, plerisque tam mundis, ut accipere hospites possint.*—*Plin. Ep.* 2. 17.

prevent the barbarity.\* No authoritative regulations seem ever to have been adopted for limiting the forced labour of slaves within due bounds. Agricultural labourers were probably made to undergo great fatigues. Considerable abatement of toil was made in favour of female slaves, particularly such as had borne three or more children.

Masters were often at great pains to teach their slaves various exercises, trades, arts, and accomplishments;† and even employed hired instructors for this purpose. We have little reason, however, to think that the servile classes generally received any education in the most limited sense of the term. There was apparently no benefit to accrue to the master, from his hewers of wood and drawers of water being able to read and write. The obedience of slaves was enforced by severe discipline. The masters availed themselves of the latitude of the law in this respect to the utmost extent. A blow with the hand was a very ready discipline.‡ The lash and rod were in frequent use.§ If a slave spoke or coughed at a forbidden time, he was flogged by a very severe master.|| The toilet of a lady of fashion was a terrible ordeal for a slave. A stray curl was an inexorable offence, and the slave's back was punished for the faults of the mirror.¶ Whips and thongs were not the most dreadful instruments of punishment. Burning alive is mentioned as a punish-

\* Omnes qui exponerentur, liberos esse sanxit, nec redire in ditionem domini, si convaluissent.—*Suet. vit. Claud.* 25.

† Literulis Græcis inbutis, idoneus arti

Cuilibet.—*Hor. Ep.* l. 2. 2. 7.

Donatus says that Virgil was very partial to two slaves, *Utrumque non ineruditum dimisit*.—*Alexandrum grammaticum, Cebetem vero et poetam*.

‡ Nos colaphum incutimus lambenti crustulo servo.—*Juv.* 9. 5.

§ Vox domini furit instantis virgamque tenentis.—*Id.* 14. 63.

|| Et ne fortuita quidem verberibus excepta sunt, tussis, sternutamentum, singultus, etc.—*Sen. Ep.* 47.

¶ Unus de toto peccaverat orbe comarum

Annulus, incerta non bene fixus acu.

Hoc facinus Lalage speculo, quo viderat, ulta est,

Et cecidit sectis icta Plecusa comis.—*Mart.* l. 2. *Ep.* 66.

ment in the Pandects and elsewhere. Tertullian says it was first used for slaves alone.\* Vine saplings, as instruments of punishment, were least dishonourable,—next to them rods, fustes or virgæ,—then thongs, lora,—scourges, flagella or flagra, sometimes loaded with lead, plumbata. Chain scourges were used, with weights at the end, all of bronze or tin. The equuleus was a terrible instrument of torture. Dislocation was one of its effects.† There were also the fidiculae, lyre-strings, the ungula and forceps, &c. A slave taken among soldiers was cast from the capitoline rock, having been first manumitted, that he might be worthy of that punishment.‡ As slaves could not testify on the rack against their own master, they were sold to others, and thus qualified to testify.§ Cruel masters sometimes hired torturers by profession, or had such persons in their establishments, to assist them in punishing their slaves, or in extorting confessions from them; and many horrible torments were employed for those purposes.|| The noses, ears, teeth, or even eyes, were in great danger from an enraged master.¶ Crucifixion was frequently made the fate of a wretched slave for trifling misconduct, or for mere caprice.\*\* Cato, the censor, used after supper to seize a

\* Sed de patibulo et vivicomburio per omne ingenium crudelitatis exhauriat.—*Tert. de Anima*, l.

† Seneca, Ep. 19.

‡ Dio Cassius, l. 48. Han. ed. p. 337, 1606.

§ Id. 55. 337, Juvenal has this:—

Tum felix, quoties aliquis tortore vocato  
Uritur ardenti duo propter lintea ferro?  
Quid suadet juveni lætus stridore catenae,  
Quem mire afficiunt inscripta ergastula, carcer  
Rusticus?—14. 21.

|| —Sunt, quæ tortoribus annua præstent.—*Jur.* 6. 480.

¶ Trunci naribus auribusque vultus, *Mart.* 2. 83. Peccantis famuli pugno ne percute dentes.—*Id.* 14. 68.

\*\* Pone crucem servo; meruit quo crimine servus  
Supplicium? Quis testis adest? Quis detulit? Audi.  
Nulla unquam de morte hominis cunctatio longa est.  
O demens, ita servus homo est? Nil fecerit, esto;  
Hoc volo, sic jubeo, sit pro ratione voluntas.—*Jur.* 6. 218.

The following law was passed, A. C. 58.:—Si quis a suis servis

thong, and flog such of his slaves as had not attended properly, or had dressed any dish ill. Insulting appellations were given to slaves who had been often subjected to punishment. One who had frequently been beaten was called *mastigia* or *verbero*;—he who had been branded was termed *stigmatias*, or *stigmatius*, or *inscriptus*, or *litteratus*;—and he who had borne the *furca* was named *furcifer*. No distinction whatever seems to have been maintained between the modes of punishing male and female slaves. The laws which abolished the master's power of life and death, appear to have been obeyed with great reluctance, and frequently virtually defeated by an increase in the amount of an inferior punishment.

Slaves had various rewards for good conduct held out to them by their masters. The chief of these were manumission, or promotion to a better situation in their owner's service, as to the place of steward or superintendent. They were sometimes allowed to keep a share of the profits of their business, or money was given them in acknowledgment of special services. Slaves had generally a separate fund, called *peculium*, though this was strictly the property of the master. At the *Saturnalia*, slaves were treated like masters, feasting at their owner's tables, having license to say what they pleased without fear of chastisement. Their other principal holidays were the *Matronalia*, in March—*Populifugia*, 7th of July—and *Compitalia*, 7th of May.\*

interfectus esset, ii quoque, qui testamento manumissi sub eodem tecto mansissent, inter servos supplicia penderent.—*Tac. Ann.* 13. 32.

\* The writings of M. Seneca are full of tender sympathy, and of exalted sentiments, in behalf of slaves. "Servis," he says, "imperare moderate, laus est; et in mancipio cogitandum est, non quantum illud impune pati possit, sed quantum tibi permittat æqui bonique natura." In the same place, the conduct of Vedius Pollio, who fed his fish with the flesh of his slaves, is reprobated in the severest manner.—*De Clem.* 1. 18. In the essay *De Beneficiis*, 1. 3. ch. 19, 20, 21, &c. many instances are recorded of grateful conduct on the part of slaves: "Errat, si quis existimat servitutem in totum hominem descendere; pars melior ejus excepta est. Corpora obnoxia sunt, et adscripta dominis; mens quidem sui juris: quæ adeo

The proportion between the sexes has not been ascertained. There were few female agriculturists, and the men who lived in *ergastula* would rarely have wives. Women alone were employed in spinning; but men were, as often as they, engaged in weaving. The sepulchre of the freedmen and slaves of Livia, the daughter of Augustus, as described by Gori, has 150 females names to 400 names of men.

On the whole, we may regard the condition of the slaves in the later days of the republic, and during the empire previously to the reign of Constantine, as one of great hardship. Their lot was dependent on the disposition of particular masters, not on the laws, nor on an humane and enlightened public opinion. On a cursory reading of the classical authors, we may form the opinion that slaves in general enjoyed great liberties. But we must recollect that the authors in question were conversant mainly with the vernæ, with the house slaves—with the smart, precocious slaves—children brought from Alexandria, with the educated slaves, &c. The groans from the *ergastula* do not reach our ears. We cannot gather up the tears which were shed on the Appian way,

libera et vaga est, ut ne ab hoc quidem carcere cui inclusa est, teneri queat." One of the examples quoted, is where the servant of C. Vettius, " ejus gladium militi ipsi, a quo trahebatur, eduxit, et primum dominum occidit; deinde, Tempus est, inquit, me et mihi consulere, jam dominum manumisi; atque ita se uno ictu transjecit." In the civil wars, another slave habited himself like his master and was slain, while his master escaped. A third, by wise counsel, saved the life of his master, who had spoken treasonable things against Cæsar. The 47th epistle is taken up in describing what the treatment of slaves ought to be. Unhappily, he furnishes evidence enough that his compassionate advice was but little heeded. After saying that he will pass over the instances of inhuman men, who treated their slaves more cruelly than beasts, he says, " Alins vini minister in muliebrem modum ornatus, cum ætate luctatur. Non potest effugere pueritiam; retrahitur; jamque militari habitu glaber, destitutus pilis, aut penitus evulsis, tota nocte pervigilat: quam inter ebrietatem domini ac libidinem dividit, et in cubiculo vir, et in convivio puer est." The younger Pliny was an humane master. Dio Cassius, I. 47, of his Roman History, mentions three slaves in the time of Antony's proscription, who saved their masters at the loss of their own lives. One of them was a *stigmaticus*.

around the mausoleum of Augustus, in the countless farms of Italy. There were griefs which we know not of—sorrows, heart-rending cruelties, which will not be revealed till the day of doom. Slaves were valued only so far as they represented money. Hortensius cared less for the health of his slaves than for that of his fish. It was a question put for ingenious disputation, whether, in order to lighten a vessel in a storm, one should sacrifice a valuable horse or a worthless slave. So late as the reign of Adrian, we find that indications of insanity were not uncommon among slaves, which must generally be attributed to their misery.

The slaves not unfrequently rose in rebellion against their masters. At one time, A. C. 458, Appius Herdonius summoned the slaves from the Capitol, with the inspiring words, “*De miserrimicuj usque suscepisse causam, ut servitiis grave jugum demeret.*” In the city the terror was extreme, as no one knew whom to trust. His foes were they of his own household. A little later, A. C. 415, (Livy, 4. 45,) it was announced that “*Servitia, urbem ut incenderent distantibus locis, conjurarent.*” At another time, A. C. 271, (Livy, 22. 33,) twenty-five slaves were affixed to the cross, because they had entered into a conspiracy in the Campus Martius. Etruria, A. C. 196, (Livy, 33. 36,) was threatened with a fearful insurrection. The mournful result was, “*Multi occisi, multi capti, alios verberatos crucibus affixit, qui principes conjurationis fuerant; alios dominis restituit.*” Again, A. C. 184, (39. 29,) we read, “*Magnus motus servilis eo anno in Apulia fuit.*” Seven thousand men were condemned. In the brief language of the historian, “*de multis sumptum est supplicium.*”

In A. C. 135, an insurrection of the slaves in Sicily happened, which, says Diodorus, was the most dreadful which ever occurred. Many towns were plundered,—multitudes of persons of both sexes (*ἀνδρῶν τε καὶ γυναικῶν*) were visited with the direst calamities,—and the slaves gained possession of almost the whole island. The insurgents, under Eunus, amounted to 70,000 men, of whom 20,000 are said to have fallen in the last defeat, and the rest to

have been taken and crucified ; but they had kept the field for six years, in the face of considerable forces.

In Italy there were vast numbers of slaves, and frequent and dangerous commotions. The first happened at Nuceria, where thirty slaves were taken and executed. In the second insurrection at Capua, 200 slaves rebelled, —they were immediately destroyed. The third took place in consequence of the disgraceful conduct of a rich Roman, Titus Minutius by name. Having proclaimed himself king, 3,500 slaves flocked to his standard. Lucius Lucullus was charged with the business of dealing with the insurgents. Minutius, having been betrayed, killed himself, and his associates perished. This was, however, but a prelude to greater troubles in Sicily. The senate having passed a decree that no freedman among the allies of the Roman people should be reduced to slavery, more than 800 in Sicily, who had been unlawfully deprived of freedom, were liberated. This excited the hopes of the slaves throughout the island. Remonstrances having been made to the prætor, he ordered those who had assembled about him, for the purpose of recovering their liberty, to return to their masters. This was the signal for a general insurrection. The insurgents having strongly fortified themselves, bade defiance to the efforts of the prætor. A certain Titinius, an outlaw, was their leader. He having at length proved treacherous to his cause, the designs of the conspirators were crushed. Soon, however, the tumult broke out afresh, and Titinius, who was sent by the prætor against the slaves, was worsted. Their number increased in a few days to more than 6000. Having chosen a certain Salvius leader, they ravaged various parts of the island. In a battle with the Romans, Salvius took 4000 prisoners. The whole island was soon in a sad condition. Salvius collected an army of 30,000 men, and assumed all the ensigns of royalty. In this manner the war was protracted for several years, and the disturbances were not fully quelled till after the most vigorous and persevering exertions of the Roman army.\*

\* We have drawn the preceding facts about the servile war from  
330

The famous servile war in Italy, which occurred in the time of Crassus and Pompey, lasted nearly three years, and was not brought to a close without the greatest difficulty. It seems that the slaves lost 105,000 men, exclusive of those who fell in their victories over Lentulus and other generals; besides, after their main overthrow by Crassus, a body of 5000 men were vanquished by Pompey.

In A. D. 24, T. Curtisius, a soldier of the pretorian cohort, at Brundisium in Italy and the neighbouring towns, fixed placards on conspicuous places, in which he called on the slaves to assert their rights. His designs were, however, soon crushed, by the unexpected appearance of a fleet. Cinna, Marius, Cataline, and the barbarian invaders of Italy, augmented their forces by promising general freedom to the slaves.\*

Besides the political troubles to which we have alluded, slavery was the fruitful cause of many other evils. The slaves were much addicted to lying, which Plutarch calls the vice of slaves. They were so great thieves, that *fur* was once synonymous with slave.† It came to be said almost proverbially that slaves were foes.‡ Female slaves were exposed to so many seductions, and were, at the same time, guarded by so few better influences, that we cannot wonder at their extremely licentious conduct. Slavery fearfully increased dissoluteness in the high ranks of Romans, idleness in the lower ranks, and cruelty in both. The horrid butcheries of the amphitheatre are a sufficient proof of the sanguinary disposition of the Romans.§ The number of foreign slaves imported from

Diodorus Siculus. L. 36, where a detailed and impartial statement may be seen. This second rebellion in Sicily lasted three years.

\* Plut. vit. C. Marius, Cicero in Cat. 4. 2. Sallust, Cat. 56. *Servi te reliquerunt; Alium compilaverunt, alium accusaverunt, alium occiderunt, alium prodiderunt, alium calcaverunt, alium veneno, alium criminatione, petierunt.*—*Seneca, Ep. 107.*

† *Exilis domus est, ubi non et multa supersunt.*

*Et dominum fallunt, et prosunt furibus.*—*Hor. 1. Ep. 6. 45, 46.*

‡ *Totidem esse hostes, quot servos.*—*Sen. Ep. 47.*

§ *Quam hujus amentię causam detineam nisi fidei imbecillitatem, pronam semper concupiscentiam secularium gaudiorum?* *Tertul. ad uxorem. L. 2 ch. 28; also De Spectac. 22.*

various countries, at too advanced an age to learn the language of their lords, must have tended greatly to corrupt the Latin language.\* The crowds of slaves assembled in the houses of the rich, were the means of propagating fatal diseases, which frequently ravaged the Roman world.†

Such, in brief, was the condition of the Roman world, in respect to slavery, when our Saviour appeared. Under the first Cæsars, domestic servitude had reached its height of enormity. No part of the immense empire was free from the evil. The Sicilian dungeons were full. Medians, Moesians, Bithynians, were driven in crowds to the Roman metropolis. Men-stealers were on the alert in the fastnesses of the African Troglodytes. The voice of the slave-auctioneer was heard early and late at Corinth and Delos. From Britain to Parthia, and from the woods of Sweden to the great African desert, the cries of the bondman went up to Heaven. In Judea alone there seems to have been some alleviation to the picture. Yet there the Romans doubtless transported their slaves as an indispensable part of their domestic arrangement.‡

In the Gospels there is no marked and prominent mention of slavery, though the allusions and incidental notices are not unfrequent. Thus in Matt. iii. 9, *δούλος* in the mouth of the Roman centurion, unquestionably means a slave. The military slaves of the Romans were the *armiger*, armour-bearer—*galearius*, helmet-bearer—

\* A nunc natus infans delegatur græculæ, ancillæ, cui adjungitur unus aut alter ex omnibus servis, plerumque vilissimus, nec cuiquam serio ministerio accommodatus.—*Tac. de Caus. Corrupt.* 29.

† In Heyne's *Opuscula*, Vol. III. Prol. 7, is an account of the various *pestes* which desolated Rome. The number mentioned is 33. The sixth, which happened A. U. C. 292, cut off almost all the slaves, and nearly one-half of the free population, Liv. 36. Dionys. 9. 67. In the one which occurred A. D. 69, which lasted only for an autumn, 30,000 funerals were registered, *triginta funerum millia in rationem Libitinae venerunt*.—*Suet. Vit. Nero.* 39.

‡ King Agrippa exhibited at one time in Judea 700 pair of gladiators—*slaves*.—*Jos. Hist.* 19.

*clavator*, club-bearer—*calo* and *cacula*, soldier's drudge. In chap. xiii. 27, 28, perhaps it is the most natural to understand δούλος as a slave, though a higher meaning of the word may be included. Also compare Matt. vi. 24; Luke xvi. 13; John viii. 33; xiii. 16; xv. 20. The punishment of the cross, which was inflicted on slaves and the lowest malefactors, was introduced among the Jews by the Romans. See also Acts vii. 6. In Rom. vii. 14, we find the expression πεπραμένος ὑπὸ ἁμαρτίαν, sold under sin, the bond-slave of sin, referring to the general practice of selling prisoners of war as slaves. They were considered as having lost their title to freedom. Corinth was long the chief slave-mart of Greece, and from its situation was likely to have much communication with Brundisium, and the other ports on the eastern side of Italy. Timæus, perhaps with some exaggeration, asserts that Corinth had, in early times, before Athens had reached her supremacy, 460,000 slaves. They were distinguished by the name *chaenir measurers*. Many of them, doubtless, embraced the Gospel, when preached by Paul, Apollos, and others. From the language employed by Paul in describing the social condition of the Corinthian converts,\* as well as from the developement of the particular vices to which they were exposed, we reasonably infer that many slaves were converted. In 1 Cor. vii. 20—24, are the following words: "Let every man abide in the same calling wherein he was called. Art thou called, being a servant? care not for it; but if thou mayest be made free, use it rather. For he that is called in the Lord, being a servant, is the Lord's freeman; likewise he that is called, being free, is Christ's servant. Ye are bought with a price, be ye not the servants of men. Brethren, let every man wherein he is called, therein abide with God." The meaning of this passage clearly is—Be not unduly solicitous about being in a state of bondage. If you have a favourable opportunity for gaining your freedom, embrace

\* Βλέπετε γὰρ τὴν κλήσιν ὑμῶν, ἀδελφοί, ὅτι οὐ πολλοὶ σοφοὶ κατὰ σάρκα, οὐ πολλοὶ δυνατοί, οὐ πολλοὶ εὐγενεῖς. 1 Cor. i. 26, also the terms μωρὰ, ἀσθινῇ, ἀγινῇ, ἰξουθινημίνα, τὰ μὴ ὄντα, &c.

it, it is the preferable state ; nevertheless, to be a free-man of Christ is infinitely more important. Your spiritual redemption is purchased at a great price, yield not a servile assent to the authority and opinions of men.\*

Eph. vi. 5—9, “ Servants ! be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ ; not with eye-service as men-pleasers, but as the servants of Christ, doing the will of God from the heart ; with good will, doing service as to the Lord, and not to men : knowing that whatsoever good thing any man doeth, the same shall he receive of the Lord, whether he be bond or free. And, ye masters ! do the same things unto them, forbearing threatening ; knowing that your Master also is in heaven, neither is there respect of persons with him.” That slaves are here referred to is unquestionable, from the contrast in v. 8, between *δοῦλος* and *ἐλεύθερος*. Both masters and slaves are charged to perform their respective duties faithfully and kindly, as accountable alike to God. Col. iii. 22, 25, and iv. 1, are of similar import. Slaves were numerous in Colosse, in Ephesus, and in all the principal cities of Asia Minor. A principal fault in the slaves seems to have been a faithless performance of duty in the absence of their masters. Chap. iv. 1, *τὸ δίκαιον τὴν ἰσότητα*, i. e. kind treatment, such as is becoming Christian masters. That it cannot mean the legal enfranchisement of the slave, is clear ; for why, in that case, were any directions given to the slaves if the relation was not to continue ? 1 Tim. vi. 1, 2, “ Let as many servants as are under the yoke count their own masters worthy of all honour, that the name of God and his doctrine be not blasphemed. And they that have believing masters, let them not despise them,

\* That *δοῦλος*, v. 22, means a slave, one in actual bondage, is made altogether certain by its being in contrast with *ἐλεύθερος γενέσθαι*, as well as by the whole spirit of the passage. There would be no sense in directing *hired* servants to change their condition if they could. After *χρῆσαι*, v. 21, understand *ἐλευθερίαν*, not *δουλείαν*, as the old commentators think. V. 23, *τιμῆς* is used in a spiritual sense, with reference to the price which is paid for human freedom.

because they are brethren ; but rather do them service, because they are faithful and beloved, partakers of the benefit." Then follows, v. 3—5, an exhortation to Timothy to withdraw himself from persons who taught a contrary doctrine, and who were employing themselves in useless logomachies. Yoke (*ζυγός*), servile condition, see Lev. xxvi. 13, " I have broken the bands of your yoke." It seems that the honour of the Gospel was concerned in the rendering on the part of the slave a prompt obedience to the commands of his master. Titus ii. 4, 10, is of kindred meaning. The vices of pilfering and petulance are particularly mentioned. Crete was full of slaves from the earliest times to which history carries us.

Onesimus, the subject of Paul's Epistle to Philemon, was the slave of Philemon, a Colossian, who had been made a Christian through the ministry of Paul. He absconded from his master, for a reason which is not fully explained. In the course of his flight, he met with Paul at Rome, by whom he was converted, and ultimately recommended to the favour of his old master. It may be observed that Paul would, under any circumstance, have had no choice, but to send Onesimus to his master ; the detention of a fugitive slave was considered the same offence as theft, and would no doubt incur liability to prosecution for damages. Runaways apprehended and unreclaimed, were sold by order of the *Praefectus vigilum*, if not liberated by the emperor. In later times, a runaway, guiltless of other offences, was not punished for the sake of public justice, but was restored to his owner.

1 Pet. ii. 18. " Servants, be subject to your masters with all fear ; not only to the good and gentle, but also to the froward." The word *ὀφείλουσι* is here employed. This word includes any one under the authority of another, particularly household servants, verna, familia, domestici, famuli. It is used but four times in the New Testament ; in this passage, in Luke xvi. 13. Acts x. 7. Rom. xiv. 4. In all these passages, the presumption is, that slaves are intended, as they almost universally performed the duties, which are now performed by hired servants. The *ἀνδραποδιστής*, the slave trader is classed

1 Tim. i. 10, with the most abandoned sinners. Slave dealing was not esteemed an honourable occupation, or worthy of merchants, by the Romans; \* and those who followed it, *mangores, venaliciarii*, sometimes gave themselves an air of much consequence, trusting to their wealth, and the means of gratifying competition for the abominable, though precious objects of their traffic. †

Though the Christian religion did not by direct precept put an end to the iron servitude, which prevailed in the Roman empire, yet its whole spirit and genius are adverse to slavery, and it was the most powerful of all the causes, which were set in operation, and which finally extinguished the system throughout Europe. 1. It raised the worth of the human mind. It fully established its dignity and immortality. It poured a new light on the murderous *arena*, and on all the horrid forms of destroying life which prevailed. 2. It proclaimed the doctrine of universal love. It placed charity, kindness, and compassion among the cardinal virtues, and took away from a man all hope of salvation, unless he forgave heartily all who might have injured him. 3. It proclaimed a common Redeemer for the whole human race. It declared that in Christ, barbarian, Scythian, bond and free, were on an entire equality. 4. It taught men the value of time, made them industrious, temperate, and frugal, and thus took away the supposed necessity for servile labour. 5. It commanded all its disciples to engage personally in the great work of propagating the religion among all nations. This very enterprise, of course, embraced the millions of slaves.

We are now prepared, briefly, to consider the influence which Christianity exerted in the mitigation and final extinction of slavery. The 81st of the Apostolical

\* *Mercator urbibus predest, medicus aegris, mango venalibus; sed omnes isti, quia ad alienum commodum pro suo veniunt, nec obligant eos quibus prosunt.*—*Sen. de Benef.* 4. 13. *Radix est bulbacea, mangonicis venalitiis pulchre nota, quae e vino dulci illita pubertatem coerecet.*—*Plin. Nat. Hist.* 21. 97, and 32. 47.

† See Suet. Aug. 69. Macrob. Saturn, 2. 4. Pliny, 71. 12. Mart. 8. 13.

Canons, is in the following words: "Servi in clerum promoveantur citra dominorum voluntate; hoc ipsum operatur redhibitionem. Si quando verò servus quoque gradus ordinatione dignus videatur, qualis est noster Onesimus apparuit, et domini consenserint, manúque emiserrint, et domo sua ablegaverint; effictor." In chap. 2nd of the Epistle of Ignatius of Antioch to Polycarp of Smyrna, are the following: "Overlook not the men and maid servants; neither let them be puffed up; but rather let them be the more subject to the glory of God, that they may obtain from him a better liberation. Let them not desire to be set free at the public cost, that they be not slaves to their own lusts." In the general Epistle of Barnabas, chap. xiv. v. 15, "Thou shalt not be bitter in thy commands towards any of thy servants that trust in God; lest thou chance not to fear him who is over both; because he came not to call any with respect of persons, but whomsoever the Spirit prepared."

A warm sympathy was felt, it seems, by many of the primitive Christians in behalf of the slaves. Clemens, in his Epistle to the Corinthians, remarks: "We have known many among ourselves, who have delivered themselves into bonds and slavery, that they might restore others to their liberty; many, who have hired out themselves servants unto others, that, by their wages, they might feed and sustain them that wanted." Paulinus, bishop of Nola, expended his whole estate, and then sold himself, in order to accomplish the same object. Serapion sold himself to a stage-player, and was the means of converting him, and his family. Ambrose, (Off. 1. 2.) enjoins that great care should be taken of those in bondage. Cyprian, (Ep. 60,) sent to the bishop of Numidia, in order to redeem some captives, 2,500 crowns. Socrates, the historian, says, that after the Romans had taken 7,000 Persian captives, Acacius, bishop of Amida, melted the gold and silver plate of his church, with which he redeemed the captives. Ambrose, of Milan, did the same in respect to the furniture of his church. It was the only case in which the imperial constitutions allowed plate to be sold.

During the early persecutions, reduction to slavery, in a very horrid form, was employed as a punishment for the embracing of the faith. Female Christians were often condemned to be given up as slaves to the keepers of public brothels in Rome, in order to be subjected to open prostitution. Such was the fate of Agnes, of whom Ambrose thus speaks, “*Insanus iudex jussit eam expoliari, et nudam ad lupanar duci, sub voce praeconis dicentis, Agnem sacrilegam virginem Diis blasphemia inferentem scortum lupanaribus doctum.*” Her offence was her refusal to worship Vesta.\* Lactantius has the remark, that if any slave became a Christian, all hope of freedom was taken away.

These severe enactments were in some measure neutralized by the compassionate treatment of the church. After the establishment of Christianity, under Constantine, slaves partook of all the ordinances of religion;† and their birth was no impediment to their rising to the highest dignities of the priesthood. Slaves holding the true faith, were sometimes taken into the service of the church.‡ At first, indeed, it was required, that a slave should be enfranchised, before ordination; but Justinian declared the simple consent of the master to be sufficient. If a slave had been ordained without his master’s knowledge, the latter might demand him within a year, and the slave fell back into his master’s power. If a slave, after ordination, with his master’s consent, chose to renounce the ecclesiastical state, and returned to a secular life, he was given back as a slave to his master. It was

\* Sermon 90, Tertullian, Apol. chap. 50. “*Nam et proxime ad lenonem damnando Christianum potius quam ad leonem,*” &c. August. De Civit. Dei, 1. 26. “*Sed quaedam sanctae feminae tempore persecutionis, ut insectatores suae pudicitiae devitarent, in rapturum atque necaturum se fluvium projecerunt.*” Lactantius also says, vol. 2. p. 214, *Fidelissimi quique servi contra dominos vexabantur.*

† Paul mentions slaves having been baptized, 1 Cor. xii. 13. *ἵτε δούλοι ἵτε ἐλεύθεροι—ἐβαπτίσθημεν,* &c.

‡ Quo magis necessarium credidi, ex duabus ancillis, quae ministræ dicebantur, quid esset veri, et per tormenta quaerere.—*Plin. Ep. 10. 97.*

common for the patrons of churches, till the 5th century, to encourage their slaves to become clergymen, that they, in preference to strangers, might receive their benefices. Slaves were fully protected, in the exercise of worship, and, to a certain extent, in the observance of religious festivals. The liberty and gambols of the *sa-turnalia*, were transferred to Christmas. If a Christian slave fell into the hands of a heathen master, the latter was prohibited from interfering with his spiritual concerns. Judaism was looked upon with such horror, that any Christian was entitled to force a Jewish master to sell to him a Christian slave.

Augustus restrained the right of indiscriminate and unlimited manumission. Antoninus empowered the judge, who should be satisfied about the slave's complaint of ill treatment, to force the master to sell him to some other owner. The master's power of life and death over his slaves, was first sought to be legally abolished, by Adrian, and Antoninus Pius. Constantine placed the wilful murder of a slave on a level with that of a freeman, and expressly included the case of a slave who died under punishment, unless it was inflicted with the usual instruments of correction. The effect of this humane law was, however, done away by a subsequent enactment of Constantine. Several councils of the church endeavoured to repress slave-murder, by threatening the perpetrators with temporary excommunication.\* Adrian suppressed the work-houses for the confinement of slaves. Several humane laws were enacted by Constantine, in relation to the separation of families. One directs that property shall be so divided. "*ut integra apud possessorem unumquemque servorum agnatio permaneat.*" Another law says, "*ut integra apud successorem unumquemque servorum, vel colonorum adscriptitiæ conditionis, seu inquilinorum proximorum agnatio, vel adfinitas permaneat.*" A Christian church afforded very great safety

\* Et in pluribus quidem conciliis statutum est, excommunicationi, vel poenitentiae biennii esse subjiendum, qui servum proprium sine conscientia judicis occidunt, *Muratori*.

from the wrath of unmerciful owners, for when a slave took refuge there, it became the duty of the ecclesiastics to intercede for him, with his master; and if the latter refused to pardon the slave, they were bound not to give him up, but to let him live within the precincts of the sanctuary, till he chose to depart, or his owner granted him forgiveness. In Christian times, the ceremony of manumission,\* which was performed in church, particularly at Easter, and other festivals of religion, was considered the most regular mode of emancipation, and came to displace, in a great measure, the other forms. This mode was introduced and regulated by three laws of Constantine;† but it was not adopted over the whole empire at once, as nearly 100 years afterwards, the Council of Carthage, A. D. 401, resolved to ask of the emperor, authority to manumit in church. The request was granted. Augustine, in one of his sermons, mentions the formalities thus observed in conferring freedom.‡ After the establishment of Christianity, as the national religion,

\* The different modes of manumission were the following; 1. Vindicta, the pronouncing of a form of words by the owner before the praetor. 2. Census, enrolment in the censor's books. 3. Testamentum, by will. 4. Epistolam, by letter. 5. Per convivium, at the banquet. 6. By the master designedly calling the slave his son. 7. By actual adoption. 8. Leave given to a slave to subscribe his name as witness. 9. Attiring a slave in the insignia of a freeman, &c.

† The following is the rescript of Constantine: "Qui religiosa mente in ecclesiae gremio servulis suis meritam concesserint libertatem, eandem eodem jure donasse videantur, quo civitas Romana solennitatibus decursis dari consuevit. Sed hoc duntaxat iis, qui sub aspectu antistitum, dederint, placuit relaxari. Clericis autem amplius concedimus, ut, cum suis famulis tribuant libertatem, non solum in conspectu ecclesiae ac religiosi populi plenum fructum libertatis concessisse dicantur, verum etiam cum postremo judicio libertates dederint, seu quibuscunque verbis dari praeceperint; ita ut ex die publicatae voluntatis, sine aliquo juris teste vel interprete, competat directa libertas.

‡ Augustine, in another place, holds the following language. "N u oportet Christianum possidere servum quomodo equum aut argentum. Quis dicere audeat ut vestimentum eum debere contemni? Hominem namque homo tanquam seipsum diligere debet cui ab omnium Domino, ut inimicos diligat, imperatur.

when heresy came to be dreaded as much as treason, slave-testimony was received equally in respect to matters relating to their own interests, and to those of their masters. The church did not openly maintain the validity of slave-nuptials for many years. Attempts of free persons to form marriages with slaves, were severely punished. \* Justinian removed most of the obstacles which preceding emperors had placed in the way of manumission. Slavery did not cease, however, till a comparatively late period. †

## SLAVERY IN THE MIDDLE AGES.

Before the conclusion of the fifth century, the Roman empire in all the West of Europe was overthrown by the Northern barbarous nations. The Vandals were masters of Africa,—the Suevi held part of Spain, the Visigoths held the remainder, with a large portion of Gaul,—the Burgundians occupied the provinces watered by the Rhone and Saone,—the Ostrogoths nearly the whole of Italy. Among these barbarous nations, involuntary servitude, in various forms, seems to have existed. Tacitus *De Moribus Germanorum*, 25, says, “The slaves in general were not arranged at their several employments in the household affairs, as is the practice at Rome. Each has his separate habitation, and his own establishment to manage. The master considers him as an agrarian de-

\* The emperor Basilius allowed slaves to marry, and receive the priestly benediction, but this having been disregarded, Alexius Comnenus renewed the permission. It seems to have been thought either that the benediction gave freedom, or ought to be followed by it.—*Blair*. See *Justin*, *Graeco-Roman*, Lib. 2. 5.

† The authorities on the general subject, which we have consulted, are the different codes of Roman law, *Gibbon*, two *Essays* of *M. De Burigny*, in vols. 35 and 37 of *Memoires de l'Academie des Inscriptions*, *Blair's Inquiry into the State of Slavery among the Romans*, *Edinburgh* 1833, a valuable work. In nearly all the facts which we have quoted from him, we have referred to the original authorities. We have made a personal examination of nearly all the extant Latin authors, including the historians of *Byzantium*, and the early writers and fathers of the *Christian Church*.

pendent, who is obliged to furnish a certain quantity of grain, of cattle, or of wearing apparel. The slave obeys, and the state of servitude extends no further. All domestic affairs are managed by the master's wife and children. To punish a slave with stripes, to load him with chains, to condemn him to hard labour, is unusual. It is true that slaves are sometimes put to death, not under colour of justice or of any authority vested in the master, but in a transport of passion, in a fit of rage, as is often the case in a sudden affray; but it is also true that this species of homicide passes with impunity. The freedmen are not of much higher consideration than the actual slaves. They obtain no rank in the master's family, and, if we except the parts of Germany where monarchy is established, they never figure on the stage of public business. In despotic governments they rise above the men of ingenuous birth, and even eclipse the whole body of nobles. In other States, the subordination of the freedmen is a proof of public liberty." It is not easy to determine whether liberty most flourished in Germany or Gaul. In the latter, the influence of religion was much greater; while in the former there was more individual independence. In Gaul, however, manumission was much more frequent,—the slaves being made free, in order that they might, on any emergency, be able to assist their lords, who had not, like the German barons, freeborn warriors always at hand to assist them. In Gaul, the church had a much greater number of slaves: and under the influence of Christianity, slavery is always sure to be mitigated.

In the various ancient codes of law,\* the first thing which strikes us is the distinction of social ranks. The fundamental one is that of freemen and slaves. Besides the slaves who became so by birth or the fortune of war, anciently any freeman could dispose of his own liberty,—if he married a female slave, he incurred the same penalty,—if unable to pay his debts, he became the bonds-

\* Such as the *Lex Salica*, the *Code of the Ripuarii*, *Code of the Burgundians*, *Lex Saxonum*, &c.

man of his creditors. The code of the Lombards in Italy seems, in some respects, to have been peculiarly rigorous. For him who slew his own slave, no punishment was provided; but no composition would atone for the life of the slave who assassinated a freeman. If a slave presumed to marry a freewoman, the doom of both was death; but the freeman might marry his maiden, provided he previously enfranchised her. Such unions were, however, regarded as disgraceful. The slave had little hope of escape. Enfranchisement was far from frequent, and the *libertus* was as dependent on his patron as the slave on his owner—neither could marry beyond his own caste, without incurring the penalty of death; yet marriage was all but obligatory, that servitude might be perpetuated. Manumission generally took place in the churches, or by will, or by a written instrument; and these three modes were also common to the Romans; but there were others peculiar to certain nations. In France, it was effected by striking a *denarius* from the hands of the slave, or by opening the door for him to escape. The Lombards delivered him to one man, this man delivered him to a third, the third to a fourth, who told him he had leave to go east, west, north, or south. The owner might also deliver his slave to the king, that the king might deliver him to the priest, who might manumit him at the altar. Among the Lombards, the symbol was sometimes an arrow, which, being delivered to the slave, betokened that he was now privileged to bear arms—the distinguishing characteristic of freedom.\* The condition of the *liberti* varied; those who were emancipated before the altar, were exempted from every species of dependence. The same may be said of the *manumissio per denarium, per quartam manum, per portas patentes*; but if *per chartam*, the *libertus* obtained a much less share of freedom; if he escaped from personal, he was still subject to other service, and to the jurisdiction of his late owner. The rustic freedman seldom possessed any land, and if he removed, as his new condition

\* See Muratori's *Ital. Scriptor. Rerum*, Vol. 1. Pars. 2, p. 90.

allowed him, to any city or town, he was still bound by an annual return to his patron. He could not depose in a court of justice to that patron's prejudice, nor marry without his consent. The *ingenuus*, who enjoyed freedom without any civil dignity, and who was privileged to carry arms, often engaged himself as the client of some chief, with whom he fought during war, and administered justice during peace ; if no client, he was still liable to military service, and to assist in the local courts. Among the Salian Franks, if a freeman married a slave, he became a slave. The Ripuarians were still more severe ; the woman, who had married a slave, was offered, by the local judge or court, a sword and a spindle ; if she took the former, she must kill her husband ; if the latter, she must embrace servitude with him. Greater severity still was found among the Burgundians, Visigoths, and Lombards. Among the Saxons, says Adam of Bremen, it is commanded, that no unequal marriages be contracted—that noble marry with noble, freeman with freewoman, freedman with freedwoman, slave with slave ; for if any one should marry out of his condition, he is punished with death. A criminal leniency towards crimes committed against slaves, and great severity towards crimes committed by that unfortunate class, characterise, more or less, all the German codes. By the *Lex Saxonum*, the mulct for the murder of a noble, was 1440 sols to the kindred, besides a fine to the State ; for that of a freedman, 120 ; for that of a slave, by a noble, 36 ; but by a freedman, an oath of compurgation sufficed.

The perpetual wars in which these nations were engaged, greatly increased the number of slaves. The Goth, the Burgundian, or the Frank, who returned from a successful expedition, dragged after him a long train of sheep, of oxen, and of human captives, whom he treated with the same brutal contempt. The youths of an elegant form were set apart for the domestic service ; a doubtful situation, which alternately exposed them to the favourable, or cruel impulse of passion. The useful smiths, carpenters, cooks, gardeners, &c. employed their skill for the benefit of their masters. But the Roman

344

captives, who were destitute of art, but capable of labour, were condemned, without regard to their former condition, to tend the cattle, and cultivate the lands of the barbarians. The number of the hereditary bondsmen, who were attached to the Gallic estates, was continually increased by new supplies. When the masters gave their daughters in marriage, a train of useful servants, chained on the waggons to prevent their escape, was sent as a nuptial present, into a distant country. The Roman laws protected the liberty of each citizen against the rash effects of his own distress or despair. But the subjects of the Merovingian kings might alienate their personal freedom.\* From the reign of Clovis, during five successive centuries, the laws and manners of Gaul uniformly tended to promote the increase, and to confirm the duration, of personal servitude.

In a later age, and during the prevalence of the feudal system, the lower class of the population may be considered under three divisions. 1. *Freemen*, distinguished among the writers of the middle ages, as *Arimanni*, *Conditionales*, *Originarii*, *Tributales*, &c. These persons possessed some small allodial property of their own, and besides that, cultivated some farm belonging to their more wealthy neighbours, for which they paid a fixed rent, and likewise bound themselves to perform several small services. These were properly free persons, yet such was the spirit of oppression cherished by the great landholders, that many freemen in despair renounced their liberty, and voluntarily surrendered themselves as slaves to their powerful masters. This they did, in order that their masters might become more immediately interested to afford them protection, together with the means of subsisting themselves and their families. It was still more common for freemen to surrender their liberty to bishops or abbots, that they might partake of the security which the vassals and slaves of monasteries and churches enjoyed. 2. *Villani*. They were likewise *adscripti*

\* *Licentiam habeatis mihi qualemcunque volueritis disciplinam ponere; vel venumdare, aut quod vobis placuerit de me facere.*

*glebae* or *villae*, from which they derived their name. They differed from slaves, in that they paid a fixed rent to their master for the land which they cultivated, and, after paying that, all the fruits of their labour and industry belonged to themselves in property. They were, however, precluded from selling the lands on which they dwelt. Their persons were bound, and their masters might reclaim them, at any time, in a court of law, if they strayed. In England, at least from the reign of Henry II., the villeins were incapable of holding property, and destitute of redress, except against the most outrageous injuries. Their tenure bound them to what were called villein-services, such as the felling of timber, the carrying of manure, and the repairing of roads. But, by the customs of France and Germany, persons in this abject state, seem to have been serfs, and distinguished from villeins, who were only bound to fixed payments and duties.\*

3. *Servi*. The masters of slaves had absolute power over their persons, and could inflict punishment when they pleased, without the intervention of a judge. They possessed this dangerous right, not only in the more early periods, when their manners were fierce, but it continued as late as the 12th century. Even after this jurisdiction of masters came to be restrained, the life of a slave was deemed to be of so little value, that a very slight compensation atoned for taking it away. In cases where culprits, who were freemen, were punished by fine, slaves were punished corporeally. Slaves might be put to the rack, on very slight occasions. During several centuries after the barbarous nations embraced Christianity, slaves who lived together as husband and wife, were not joined together by any religious ceremony, and did not receive the nuptial benediction from a priest. When this connection came to be considered as lawful marriage, the slaves were not permitted to marry, without the con-

\* See Ducange on the words, *Villanus*, *Servus*, *Obnoxatio*. Also Hallam's *Middle Ages*, Vol. I., p. 121, and a note in Vol. I of Robertson's *Charles V.*

sent of their masters; and such as ventured to do so, without obtaining that, were punished with great severity, and sometimes were put to death. Afterwards, such delinquents were subjected only to a fine. All the children of slaves were in the same condition with their parents, and became the property of their masters. Slaves were so entirely the property of their masters, that they could sell them at pleasure. While domestic slavery continued, property in a slave was sold in the same manner with that which a person had in any other moveable property. Afterwards, slaves became *adscripti glebae*, and were conveyed by sale, together with the farm or estate to which they belonged. Slaves had a title to nothing but subsistence and clothes from their master. If they had any *peculium*, or fixed allowance for their subsistence, they had no right of property in what they saved out of that. All that they accumulated, belonged to their master. Slaves were distinguished from freemen by a peculiar dress. Among all the barbarous nations, long hair was a mark of dignity and freedom. Slaves were, for that reason, obliged to shave their heads, and thus they were constantly reminded of their own inferiority. For the same reason, it was enacted in the laws of almost all the nations of Europe, that no slave should be admitted to give evidence against a freeman in a court of justice.\*

When charters of liberty or manumission were granted to persons in servitude, they contained four concessions, corresponding to the four capital grievances to which men in bondage are subject. 1. The right of disposing

\* Dacange, under the word *servus*, mentions, among others, the following classes of slaves. Of the field; *beneficarii*, attached to the soil, *adscripti glebae*; *censuales servi civitatis*, public slaves; *servi comitum*; *consuetudinarii*, a species of serfs; *ecclesiastici*, belonging to the church; *fiscales*, connected with the royal treasury; *fugitivi*; *servi fundorum*; *gregarii*; *massari*, a species of serfs; *ministeriales*, domestics, employed in and about the house, of whom 20 classes are enumerated; *palatii*; *servi poenae*; *stipendarii*; *testamentales*; *tributarii*; *triduani*, who served three days for themselves, and three for their masters; *vicarii*, who performed in the country seats, duties for their masters, &c.

of their persons, by sale or grant, was relinquished. 2. Power was given to them of conveying their property and effects by will, or any other legal deed. Or if they happened to die intestate, it was provided that their property should go to their lawful heirs, in the same manner as the property of other persons. 3. The services and taxes which they owed to their superior, which were previously arbitrary, and imposed at pleasure, were precisely ascertained. 4. They are allowed the privilege of marrying, according to their own inclination. Many circumstances combined to effect this deliverance for the slaves. The spirit and precepts of the Christian religion were of great efficacy. Christians became so sensible of the inconsistency of their conduct with their professions, that to set a slave free, was deemed an act of highly meritorious piety. "The humane spirit of the Christian religion," says Dr. Robertson, "struggled long with the maxims and customs of the world, and contributed more than any other circumstance to introduce the practice of manumission."\* A great part of the charters of manumission, previously to the reign of Louis X, are granted *pro amore Dei, pro remedio animae, et pro mercede animae*. The formality of manumission was executed in the church, as a religious solemnity. The person to be set free, was led round the great altar, with a torch in his hand; he took hold of the horns of the altar, and there the solemn words of conferring liberty, were pronounced. Another method of obtaining liberty, was, by entering into holy orders, or taking the vow in a monastery. This was permitted for some time, but so many slaves escaped by this means, out of the hands of their masters, that the practice was afterwards restrained, and at last

\* When Pope Gregory, towards the end of the 6th century, granted liberty to some of his slaves, he introduces this reason for it, "*Cum Redemptor noster, totius conditor naturae, ad hoc propitiatus humanam carnem voluerit assumere, ut divinitatis suae gratia, dirempto (quo tenebatur captivi) vinculo, pristinae nos restitueret libertati; salubriter agitur, si homines, quos ab initio liberos natura protulit, et jus gentium jugo substituit servitutis, in ea, qua nati fuerant, manumittentis beneficio, libertati reddantur.*"

prohibited by the laws of most of the nations of Europe. Princes, on the birth of a son, or other joyous event, enfranchised a certain number of slaves, as a testimony of gratitude to God. There are several kinds of manumission, published by Marculfus, and all of them are founded on religious considerations, in order to procure the favour of God, or to obtain the forgiveness of sins. Mistaken ideas concerning religion, induced some persons to relinquish their liberty. The *oblati*, or voluntary slaves of churches or monasteries, were very numerous. Great, however, as the power of religion was, it does not appear that the enfranchisement of slaves was a very frequent practice, while the feudal system maintained its ascendancy. The inferior order of men owed the recovery of their liberty, in part, to the decline of that aristocratical policy, which lodged the most extensive power in the hands of a few members of the society, and depressed all the rest. When Louis X. issued his ordinance, some slaves had been so long accustomed to servitude, that they refused to accept of the freedom which was offered to them. Long after the reign of Louis X. several of the ancient nobility continued to exercise dominion over their slaves. In some instances, when the praedial slaves were declared to be freemen, they were still bound to perform certain services to their ancient masters, and were kept in a state different from other subjects, being restricted either from purchasing land, or becoming members of a community, within the precincts of the manor to which they formerly belonged.

Slavery seems to have existed among our English ancestors from the earliest times. The anecdote respecting the *Angli*, found in Rome by Pope Gregory, is well known. The Anglo-Saxons, in their conquests, probably found, and certainly made, a great number of slaves. The posterity of these men inherited the lot of their fathers. Many free-born Saxons, on account of debt, want, or crime, lost their liberty. The enslavement of a freeman was performed before a competent number of witnesses. The unhappy man laid on the ground his sword and lance, the symbols of the free, took up the bill

and the goad, the implements of slavery, and falling on his knees, placed his head, in token of submission, under the hands of his master. In the more ancient laws, we find various classes of slaves. The most numerous class were the *villani*. All were, however, forbidden to carry arms, were subjected to ignominious punishments, and might be branded and whipped according to law.\* In the charter by which one Harold of Buckenhale gives his manor of Spalding to the Abbey of Croyland, he enumerates among its appendages, Colgrin his bailiff, Harding his smith, Lefstan his carpenter, Elstan his fisherman, Osmund his miller, and nine others who were probably husbandmen; and these, with their wives and children, their goods and chattels, and the cottages in which they lived, he transfers in perpetual possession to the Abbey. The sale and purchase of slaves prevailed during the whole of the Anglo-Saxon period. The toll in the market of Lewes was one penny for the sale of an ox, four pennies for that of a slave. To the importation of foreign slaves no impediment had ever been imposed. The export of native slaves was forbidden under severe penalties; but habit and avarice had taught the Northumbrians to bid defiance to all the efforts of the Legislature. They even carried off their relations and sold them as slaves in the ports of the continent. The men of Bristol were the last to abandon this traffic. Their agents travelled into every part of the country,—they were instructed to give the highest price for females in a state of pregnancy,—and the slave-ships regularly sailed from that port to Ireland, where they were secure of a ready and profitable market. At last Wulstan, Bishop of Worcester, visited Bristol several years successively, resided for months in the neighbourhood, and preached every Sunday against the barbarity and irreligion of the slave-dealers.

\* In the reign of Athelstan, a man-thief was ordered to be stoned to death by twenty of his fellows, each of whom was punished with three whippings if he failed thrice to hit the culprit. A woman-thief was burnt by 80 women-slaves, each of whom brought three billets of wood to the execution. If she failed, she was likewise whipped.

The merchants were convinced by his reasons, and in their guild solemnly bound themselves to renounce the trade. The perfidy of one of the members was punished with the loss of his eyes. The influence of religion considerably mitigated the hardships of the slaves. The bishop was the appointed protector of the slaves in his diocese. The masters were frequently admonished that slaves and freemen were of equal value in the eyes of the Almighty; that all had been redeemed at the same price; and that the master would be judged with the same rigour as he had exercised towards his dependents. The prospect of obtaining their freedom was a powerful stimulus to their industry and good behaviour. When the celebrated Wilfred had received from Edelevaleh, King of Sussex, the donation of the isles of Selsey, with 250 slaves, the bishop instructed them in the Christian faith, baptized them, and immediately made them free. In most of the wills which are still extant, we meet with directions for granting liberty to a certain number of slaves, especially such as had been reduced to slavery by the *wite theow*, a judicial sentence. Their manumission to be legal was to be performed in the market, in the court of the hundred, or in the church.

In the abstract of the population of England in the Domesday Book, at the close of the reign of William the Conqueror, the whole population is stated at 283,242, of which the *servi* are 25,156; *ancillae*, 467; *bordarii*, 82,119; *villani*, 108,407—total, 216,149; leaving for the remaining classes, 67,093. The *servi* of the Norman period, says Bishop Kennett, might be the pure villani, and villani in gross, who, without any determined tenure of land, were at the arbitrary pleasure of the lord, appointed to servile works, and received their wages and maintenance at the discretion of their lord. We have the authority of Bracton for asserting, that however unhappy the condition of the *servi* was in other respects, yet their lives and limbs were under the protection of the laws; so that if the master killed his bondman, he was subject to the same punishment as if he had killed any other person. The form of emancipation of the

*servi* is minutely described in the laws of the Conqueror. The *ancillae* were female slaves under circumstances nearly similar to the *servi*. Their chastity was in some measure protected by law. The *bordarii* were distinct from the *servi* and *villani*, and seem to be those of a less servile condition, who had a bord or cottage, with a small parcel of land, on condition that they should supply the master with eggs, poultry, &c. as very necessary for his *board* and entertainment. Brady says, "they were drudges and performed vile services, which were reserved by the lord upon a poor little house, and a small parcel of land."\* The *villani* have already been described.

There seems to have been no general law for the emancipation of slaves in the statute-book of England. Though the genius of the English constitution favoured personal liberty, yet servitude continued long in England in particular places. In the year 1514, we find a charter of Henry VIII. enfranchising two slaves belonging to one of his manors. As late as 1547, there is a commission from Elizabeth, with respect to the manumission of certain slaves belonging to her.

In Italy, in the 11th and 12th centuries, the number of slaves began to decrease. Early in the 15th, a writer quoted by Muratori, speaks of them as no longer existing. The greater part of the peasants, in some countries of Germany, had acquired their liberty before the end of the 13th century. In other parts, as well as in the northern and eastern portions of Europe, they remain in a sort of villenage to this day. In France, Louis Hutin, after innumerable particular instances of manumission had taken place, by a general edict in 1315, reciting that his kingdom is denominated the kingdom of the *Franks*, that he would have the fact correspond to the name, emancipates all persons in the royal domains, upon paying a just composition, as an example for other lords possessing villeins to follow. Philip the Long renewed the same edict three years afterwards—a proof that the edict

\* See General Introduction to the Domesday Book, by Sir Henry Ellis, principal librarian of the British Museum, 2 vols. 1833.

of Louis had not been carried into execution. Praedial servitude was not abolished in all parts of France till the revolution. In 1615, the *Tiers Etat* prayed the king to cause all serfs to be enfranchised on paying a composition; but this was not complied with, and they continued to exist in many parts. Throughout almost the whole jurisdiction of the Parliament of Besançon, the peasants were attached to the soil, not being capable of leaving it without the lord's consent;—in some places he even inherited their goods in exclusion of their kindred. Voltaire mentions an instance of his interfering in behalf of a few wretched slaves of Franche-compté. About the middle of the 15th century, some Catalonian serfs, who had escaped into France, being claimed by their lords, the Parliament of Toulouse declared that every man who entered the kingdom, *encriant* France, should be free.

On a review of the subject of slavery during the period in question, we find,

1. That Christianity had done much to abolish slavery as it existed in the Roman empire in the time of Constantine and his more immediate successors. The spirit of the Christian religion effected a glorious triumph in almost every portion of the imperial dominions. There was no instantaneous abandonment of the system of servitude. There was no royal edict which crushed the thing at once. But its contrariety to the precepts of the New Testament was gradually seen. Clergymen vindicated the rights of the oppressed. The codes of slave-law were ameliorated, till finally the rescripts of Justinian nearly completed the salutary reform.

2. During the last years of the Roman empire an unfortunate change was going on, which was destined once more to revive the system. The *middle class* in society was dwindling away. A few distinguished families swallowed up the moderate landholders, or drove them out of the country. A large class of hungry and spiritless dependents, with nothing of *Roman* but the name, crowded the towns and country seats. The vices of the upper class rapidly thinned their ranks, till most of the

old noble families became extinct. The barbarous lords then rushed in, finding scarcely any thing to obstruct their progress. The abject Roman multitude became slaves in form, as they had been for some time in spirit. The Goth and Vandal threw their chains on the descendants of Cincinnatus and Brutus, and sent them to work in their kitchens and farm-yards. The children of the men from whom Scipio sprung, became the scavengers and scullions of Visigoths and Huns. The way had been prepared by the destruction of the middle class—a class which contains the bone and muscle of any community in which it exists. A foundation was thus laid for the slavery of the middle ages.

3. In the darkness and confusion which reigned from the 4th to the 12th century, we might expect that such an institution as slavery would flourish. It was in a sense suited to the times. Its undistinguished and forgotten lot was in some cases, no doubt, a real blessing to individuals, though on general principle, and as a system, it is worthy of nothing but execration. Partial benefits accompanied the feudal system, though in its essential features no wise man could commend it.

4. In the abolition of the servitude of the middle ages, Christianity again performed her work of mercy. Whenever her voice could be heard, the poor *villein* was not forgotten. All contemporary and subsequent history conspires to attribute the gradual abolition of the system to her beneficent but effectual aid.

5. The northern nations of Europe seem always to have possessed a sense of individual freedom, of personal rights, which, when enlightened and directed by Christianity, became a powerful antagonist force to slavery. The spirit which broke out at Rummymede, at London in 1688, at Philadelphia in 1776, was nurtured in its infancy in the woods of Sweden, and in the marshes of Denmark.

6. The contemporaneous revival of learning must come in for its share in the abolition of slavery. Xenophon, and Cicero, and Lucan, could not be perused without exerting a beneficial influence in ameliorating the asperity

of manners, inspiring a love for freedom, and a tender sympathy towards the oppressed.

7. The same effect must be attributed to the establishment of large towns and cities. This circumstance increased the demand for labour. Various classes of artificers sprung into existence. Wherever ingenuity and skill were required, free labour was in demand. Slavery vanished before the spirit of competition. Labour became honourable. The value of land was augmented. A free population followed in the train.

NOTE.—The original authorities on the subject which we have consulted, are the *Glossarium* of Ducange, on the words *Servus*, *Villanus*, *Tributales*, *Originarii*, *Forismaritagium*, *Arimanni*, *Oblati*, *Manumissio*, &c. in 6 vols. folio,—Heineccius, in 8 vols. 4to.—Muratori's *Antiquities of Italy*, in 6 vols. folio,—Works of De Malby, in French, 12 vols. 8vo. These works are in the Boston Athenaeum, and are an invaluable storehouse of materials. Dr. Robertson has two very valuable notes on the subject, in the first volume of his *History of Charles V.* See also Hallam's *Middle Ages*—Brodie's *British Empire*—The first volume of Lingard's *History of England*—Turner's *Anglo-Saxons*—Dunham's *Germanic Empire*—Sismondi's *Italian Republics*—Montesquieu—Blackstone's *Commentaries*—Grotius *de Jure Belli et Pacis*, &c.

---